

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MOZART DERBY VICTOR,

Plaintiff,

-against-

NEW YORK,

Defendant.
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NOT FOR PUBLICATION

MEMORANDUM
AND ORDER

17-CV-628 (KAM)

MATSUMOTO, United States District Judge:

Plaintiff Mozart Derby Victor, proceeding *pro se*, filed this action asserting claims which the court construed as against the city of New York, seeking damages of \$100,200,000.00. (Complaint, ECF No. 1.) By Memorandum and Order dated April 3, 2018, the court granted plaintiff's request to proceed *in forma pauperis*, dismissed the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and granted plaintiff leave to file an amended complaint within 30 days. (Memorandum and Order, ECF No. 4.) The court notified plaintiff that if he failed to file an amended complaint within the 30-day period, judgment would be entered dismissing the action. (*Id.* at 10-11.) Plaintiff failed to file an amended complaint within the 30-day period. On July 18, 2018, the court entered an order granting plaintiff an extension until August 1, 2018 to file an amended complaint and advising the plaintiff that if he did not file an amended complaint correcting the deficiencies stated in

the court's April 3, 2018 order on or before August 1, 2018, this action would be dismissed. Plaintiff has not filed an amended complaint or otherwise contacted the court.

Accordingly, as set forth in the court's Memorandum and order dated April 3, 2018, this action is dismissed. The Clerk of Court is directed to enter judgment in favor of defendant and close this case. The Clerk of Court is further directed to send a copy of this Memorandum and Order and the Judgment to plaintiff and note service on the docket by September 7, 2018. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/
KIYO A. MATSUMOTO
United States District Judge

Dated: August 31, 2018
Brooklyn, New York